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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,945	12/31/1999	PATRICK H. POTEGA	1092-106.US	7098

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EXAMINER

CABRERA, ZOILA E

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application N .

09/475,945

Applicant(s)

POTEGA, PATRICK H.

Examiner

Zoila E. Cabrera

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-51,53-77,80-90 and 93-169 is/are pending in the application.
- 4a) Of the above claim(s) 21-51,53-77,87,89,90 and 128-163 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 80-86,93-96,109-124 and 164-166 is/are rejected.
- 7) ☒ Claim(s) 88,97-108,125-127 and 167-169 is/are objected to.
- 8) ☒ Claim(s) 21-51,53-77,87,89,90 and 128-163 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Final Rejection*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-20, 52, 78, 79, 91, and 92 have been cancelled.

Claims 21-51 and 53-77 have been withdrawn.

Claims 80-90 and 93-108 are remained for consideration.

New claims 109-169 have been added.

### *Election/Restrictions*

2. Newly submitted independent claims 128, 134, 144, and 155 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: **Claim 128** is directed *means for providing a memorized sequence of anticipated user-manipulations of each circuit element; and instructing means for directing the user to manipulate at least one of one or more circuit elements*. **Claim 134** is directed to *indicating means for prompting the user to manipulate a selector which varies the output voltage; and comparing means in a workspace for determining if an acquired voltage value associated with the present position of the user-manipulated selector matches an optimized voltage*. **Claim 144** is directed to *analyzing means in a wokspace for comparing the acquired data with a value acquired from a selector that varies voltage; and prompting means at only one user-accessible element of the system*. **Claim 155** is directed to *communicating means for transferring said acquired data between said first and second elements, whereby previously acquired battery data*

Art Unit: 2125

*is communicated between interconnected elements for configuring an output of a configurable power supply.*

Since applicant elected claims readable on the elected invention of Group III, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 128-133, 134-143, 144-154, 155, 87, 89-90, 156-163 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The following are rules § 821, 821.03 as stated in the MPEP:

**§ 821 Treatment of Claims Held To Be Drawn to Nonelected Inventions**

Claims held to be drawn to nonelected inventions, including claims to nonelected species, are treated as indicated in MPEP § 821.01 through § 821.03.

The propriety of a requirement to restrict, if traversed, is reviewable by petition under 37 CFR 1.144 . In re Hengehold, 440 F.2d 1395, 169 USPQ 473 (CCPA 1971).

**All claims that the examiner holds as not being directed to the elected subject matter are withdrawn from further consideration by the examiner in accordance with 37 CFR 1.142(b).** See MPEP § 809.02(c) and § 821.01 through § 821.03. The examiner should clearly set forth in the Office action the reasons why the claims withdrawn from consideration are not readable on the elected invention. Applicant may traverse the requirement pursuant to 37 CFR 1.143. If a final requirement for restriction is made by the examiner, applicant may file a petition under 37 CFR 1.144 for review of the restriction requirement.

Art Unit: 2125

**821.03 Claims for Different Invention Added After an Office Action**

Claims added by amendment following action by the examiner, MPEP § 818.01, § 818.02(a), to an invention other than previously claimed, should be treated as indicated by 37 CFR 1.145.

**37 CFR 1.145. Subsequent presentation of claims for different invention.**

If, after an office action on an application, the applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in §§ 1.143 and 1.144.

***Response to Arguments***

3. Applicant's arguments, Pages 39-40, sections 4, 5 and 7, with respect to independent claims 52 and 78 (corresponding to new claims 164 and 167) have been persuasive. Therefore, the 102 rejection has been withdrawn.

***Specification***

4. The disclosure is objected to because of the following informalities:

Applicant's new claims 109, 114, 122, 125, 164, 167, recite "previously unknown battery-powered device" wherein support for such limitation can be found in (Page 119, lines 9-13; Page 8, lines 2-4, etc.) as applicant cited in Page 36-37 of the Amendment of

September 24, 2004. Applicant is suggested to include "previously unknown battery-powered device" in the specification to clearly have support for this limitation.

Appropriate correction is required.

### ***Claim Objections***

5. Claims 80-86, 88, 93-108, 110-113, 115-124, 125-127, and 167-169 are objected to because of the following informalities:

Claim 82, line 1, recite "The connector assembly". There is no antecedent basis for this limitation. Note that claim 164 recite "interconnecting means".

Claims 101-102, line 1, recite "a nearly-depleted battery". Again, no antecedent basis has been provided. Claim 97 recites "nearly-discharged battery".

Claim 122, lines 14-15 recite "~~the~~ acquired voltage sag and fully-charged battery voltage values". No antecedent basis for these limitations. Please delete "the".

Claim 122, line 17, recites "~~said~~ previously determined output voltage value". There is no antecedent basis for this limitation. Please replace "said" with "a".

Appropriate correction is required.

Please review all the claims to recite the limitations with proper antecedent basis.

Claims 125 and 167 recite "a previously unknown battery-powered device". Please note that the specification needs to be amended to properly support this limitation as suggested in paragraph 4 of this Office Action.

Claims 80-86, 88, 93-108, 110-113, 115-121, 123-124, 126-127, and 168-169, refer back to specific portions of the independent claims, i.e., "The analyzing means of

Art Unit: 2125

claim 167". Please amend the claims to properly recite, i.e., "A method of determining a power requirement of claim 167 wherein said analyzing means includes...". Please see examples on the cited prior art patents.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 109, 114, 122, 164 and dependent claims thereof, 80-86, 93-96, 110-113, 115-121, 123-124, 165-166 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 109, 114, 122 and 164 are single means claims. Please note that such claims recite on line 1 "A means of..., comprising". The claims include a plurality of means enclosed by a single means. The MPEP (2164.08a) states "A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor".

Applicant is suggested to amend the claims to properly recite "A device" or "An apparatus" or "A system" as appropriately supported in the specification. Please note

Art Unit: 2125

that no new matter can be added. Please see the prior art patents as examples for the claims.

***Allowable Subject Matter***

7. Claims 109, 114, 122, 164 and dependent claims thereof would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph and objections, set forth in this Office action.

Claims 125 and 167 and dependent claims would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record Takahashi (US 6,150,823), does not disclose or suggest, alone or in combination, the steps of:

Regarding independent claim 109, **interfacing means for electrically coupling said power supply to independently and simultaneously access both a previously unknown battery-powered device and an installed battery thereof, said coupling resulting in the power supply being capable of bypassing said battery as a source of power for the power device, without limiting said battery's ability to automatically access said device; and preloading means for temporarily electrically coupling to the battery at least one of one or more substantial resistive loads, said resistive loads being capable of combining in order to vary the coupled load, in combination with the other elements and features of the claimed invention.**



As for independent claim 114, **interconnecting means for electrically coupling said power supply to independently and simultaneously access both a previously unknown battery-powered device and an in situ battery thereof; and preloading means for temporarily electrically coupling to the battery at least one of one or more substantial resistive loads, said resistive loads being capable of combining in order to vary said load**, in combination with the other elements and features of the claimed invention.

As for independent claim 122, **attaching means for electrically coupling said power supply to independently and simultaneously access a previously unknown battery-powered device and a battery electrically coupled thereto; and detecting means for acquiring battery voltage values, at least one of which is based on temporarily coupling to said battery one or more resistive elements**, in combination with the other elements and features of the claimed invention.

As for independent claim 125, **electrically coupling said power supply to access both a previously unknown battery-powered device and a battery installed therein; and acquiring a value expressing battery voltage sag by temporarily preloading said battery with at least one of one or more substantial resistive loads**, in combination with the other elements and features of the claimed invention.

As for independent claim 164, **interconnecting means at said powered device for electrically coupling a battery and said configurable power supply, so that the power supply accesses first said battery and then said device; and preloading**

**means for temporarily electrically attaching a first resistive element at said battery**, in combination with the other elements and features of the claimed invention.

As for independent claim 167, **interconnecting said powered device for receiving power by electrically coupling an installed battery and a configurable power supply thereto, so that the power supply accesses first said battery and then said device; and preloading said battery by temporarily electrically attaching a first resistive element thereto**, in combination with the other elements and features of the claimed invention.

### ***Conclusion***

8. This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing

Art Unit: 2125

a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (571) 272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. Additionally, the fax phones for Art Unit 2125 are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera  
Patent Examiner  
12/22/04

 12-27-04  
ALBERT W. PALADINI  
PRIMARY EXAMINER